

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DORIAN SANTIAGO</b>	:	<b>CIVIL ACTION</b>
	:	
v.	:	
	:	<b>NO. 15-2212</b>
<b>ST. MARY MEDICAL CENTER</b>	:	

**ORDER**

**AND NOW**, this 5<sup>th</sup> day of November 2015, upon consideration of Defendant's Motion to Dismiss Counts III and IV of the Second Amended Complaint (ECF Doc. No. 23), Plaintiff's Opposition (ECF Doc. No. 27), Defendant's Reply (ECF Doc. No. 28) and for reasons in the accompanying Memorandum, it is **ORDERED** Defendant's Motion (ECF Doc. No. 23) is **GRANTED in part and DENIED in part**:

1. Defendant's Motion is **GRANTED** as to Plaintiff's FMLA interference claim and Count III is **dismissed** with prejudice;
2. Defendant's Motion is **GRANTED** as to any FMLA retaliation claim relating to the 2014 termination and **DENIED** as to the other two FMLA retaliation claims plead in ¶¶ 137-138 of the Second Amended Complaint; and,
3. Defendant shall answer the Second Amended Complaint no later than **November 16, 2015**.

  
\_\_\_\_\_  
**KEARNEY J.**